

**United States District Court
Eastern District of Pennsylvania (Allentown)
CIVIL DOCKET FOR CASE #: 5:22-cv-03534-EGS**

LANUTO v. HYSTER YALE MATERIALS HANDLING, INC. et al

Assigned to: HONORABLE EDWARD G. SMITH

Cause: 28:1332 Diversity-Product Liability

Date Filed: 09/02/2022

Date Terminated: 10/26/2022

Jury Demand: None

Nature of Suit: 365 P.I.: Personal Inj. Prod.
Liability

Jurisdiction: Diversity

Plaintiff

JOSEPH LANUTO

represented by **NICHOLAS C. SARELAKOS**
LAW LOCKS FIRM
601 WALNUT STREET
SUITE 720 EAST
PHILADELPHIA, PA 19106
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ATTORNEY TO BE NOTICED

MICHAEL B. LEH
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ATTORNEY TO BE NOTICED

V.

Defendant

EASTERN LIFT TRUCK COMPANY, INC.

TERMINATED: 09/09/2022

Defendant

**HYSTER YALE MATERIALS HANDLING,
INC.**

represented by **FRANCIS J. GREY , JR.**
RICCI TYRRELL JOHNSON & GREY
1515 MARKET STREET
SUITE 1800
PHILADELPHIA, PA 19102
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Fax: 215-320-3261
Email: fgrey@rtjglaw.com
ATTORNEY TO BE NOTICED

Defendant

represented by

ALEXANDRIA NE, LLC,
D/B/A ALEXANDRIA MOULDING
TERMINATED: 09/09/2022

J. MARK PECCI, II
MARKS O'NEILL O'BRIEN DOHERTY &
KELLY PC
1800 JOHN F KENNEDY BLVD SUITE 1900
PHILADELPHIA, PA 19103
215-564-6688
Email: mpecci@moodklaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

JOHN and/or JANE DOES 1 THROUGH 20

Defendant

ABC CORPORATIONS 1 THROUGH 20

Date Filed	#	Docket Text
09/02/2022	<u>1</u>	COMPLAINT against All Parties (Filing fee \$ 402 receipt number APAEDC-16150008.), filed by JOSEPH LANUTO. (Attachments: # <u>1</u> Civil Cover Sheet)(LEH, MICHAEL) (Entered: 09/02/2022)
09/02/2022	<u>2</u>	Summons Issued as to ALEXANDRIA NE, LLC., EASTERN LIFT TRUCK COMPANY, INC., HYSTER YALE MATERIALS HANDLING, INC. Forwarded To: Counsel on 9/2/22 (er) (Entered: 09/06/2022)
09/06/2022	<u>1</u>	Attorneys are required by local rule to complete and file both a Civil Cover Sheet and a Designation Form. PLAINTIFF's counsel is directed to file Completed Designation Form in this case using the Exhibit docket event. (afm) (Entered: 09/06/2022)
09/06/2022	<u>3</u>	ORDER THAT THE PLAINTIFF SHALL SHOW CAUSE WHY THIS MATTER SHOULD NOT BE DISMISSED WITHOUT PREJUDICE FOR LACK OF SUBJECT-MATTER JURISDICTION. THE PLAINTIFF SHALL FILE A WRITTEN RESPONSE ON OR BEFORE TUESDAY, SEPTEMBER 13, 2022, AND THE COURT WILL HEAR ARGUMENT ON THURSDAY, SEPTEMBER 15, 2022 AT 1:30 P.M. AT THE U.S. COURTHOUSE LOCATED ON THE 4TH FLOOR OF THE HOLMES BUILDING, 101 LARRY HOLMES DRIVE, EASTON, PENNSYLVANIA 18042. SIGNED BY HONORABLE EDWARD G. SMITH ON 9/6/22. 9/6/22 ENTERED AND COPIES (NOT MAILED TO UNREPS) E-MAILED.(er) Modified on 9/7/2022 (lisad,). (Entered: 09/06/2022)
09/06/2022	<u>1</u>	SHOW CAUSE RESPONSE DUE BY 9/13/2022. SHOW CAUSE HEARING SET FOR 9/15/2022 01:30 PM IN Easton BEFORE HONORABLE EDWARD G. SMITH. (er) (Entered: 09/07/2022)
09/07/2022	<u>4</u>	NOTICE of Appearance by NICHOLAS C. SARELAKOS on behalf of JOSEPH LANUTO (SARELAKOS, NICHOLAS) (Entered: 09/07/2022)
09/08/2022	<u>1</u>	Doc. 3 mailed to unreps. (er) (Entered: 09/08/2022)
09/09/2022	<u>5</u>	AMENDED COMPLAINT against All Defendants All Defendants., filed by JOSEPH LANUTO.(SARELAKOS, NICHOLAS) (Entered: 09/09/2022)
09/09/2022	<u>6</u>	(AMENDED COMPLAINT) Summons Issued as to HYSTER YALE MATERIALS HANDLING, INC. Forwarded To: Counsel on 9/9/22. (er) (Main Document 6 replaced on 9/12/2022) (er). (Entered: 09/12/2022)
09/12/2022	<u>7</u>	

		RESPONSE TO ORDER TO SHOW CAUSE by JOSEPH LANUTO. (Attachments: # <u>1</u> Exhibit "A" – Amended Complaint)(SARELAKOS, NICHOLAS) (Entered: 09/12/2022)
09/13/2022	<u>8</u>	ORDER THAT THE ORDER TO SHOW CAUSE (DOC. NO. 3) IS DISSOLVED AND THE SEPTEMBER 15, 2022 HEARING IS CANCELED. THE CLERK OF COURT SHALL AMEND THE DOCKET TO REFLECT THE CAPTION, ETC. SIGNED BY HONORABLE EDWARD G. SMITH ON 9/13/22. 9/13/22 ENTERED AND COPIES MAILED TO UNREP, E-MAILED.(er) Modified on 9/13/2022 (er). (Entered: 09/13/2022)
10/10/2022	<u>9</u>	MOTION to Dismiss <i>for Improper Venue or in the Alternative Transfer Pursuant to 28 U.S.C. Section 1404(a)</i> filed by HYSTER YALE MATERIALS HANDLING, INC..Memorandum, Certificate of Service. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Memorandum, # <u>3</u> Certificate of Service, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Exhibit C, # <u>7</u> Exhibit D)(GREY, FRANCIS) (Entered: 10/10/2022)
10/17/2022	<u>10</u>	NOTICE of Appearance by J. MARK PECCI, II on behalf of ALEXANDRIA NE, LLC, (PECCI, J.) (Entered: 10/17/2022)
10/17/2022	<u>11</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by ALEXANDRIA NE, LLC,.BRIEF AND CERTIFICATE OF SERVICE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Brief, # <u>3</u> Certificate of Service, # <u>4</u> Exhibit A)(PECCI, J.) (Entered: 10/17/2022)
10/19/2022	<u>12</u>	PRAECIPE <i>TO WITHDRAW MOTION TO DISMISS</i> by ALEXANDRIA NE, LLC,. (PECCI, J.) (Entered: 10/19/2022)
10/19/2022	<u>13</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by ALEXANDRIA NE, LLC,.BRIEF AND CERTIFICATE OF SERVICE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Brief, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Certificate of Service)(PECCI, J.) (Entered: 10/19/2022)
10/20/2022	<u>14</u>	RESPONSE to Motion re <u>13</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by JOSEPH LANUTO. (SARELAKOS, NICHOLAS) (Entered: 10/20/2022)
10/25/2022	<u>15</u>	ORDER THAT ALEXANDRIA'S MOTION TO DISMISS (DOC. NO. 13) IS DENIED AS MOOT IN PART AND DENIED AS PREMATURE IN PART. SIGNED BY HONORABLE EDWARD G. SMITH ON 10/25/22. 10/25/22 ENTERED AND COPIES E-MAILED.(er) (Entered: 10/25/2022)
10/25/2022	<u>16</u>	STIPULATION / <i>CONSENT ORDER TRANSFERRING THIS MATTER TO THE MIDDLE DISTRICT OF PENNSYLVANIA</i> by HYSTER YALE MATERIALS HANDLING, INC.. (GREY, FRANCIS) (Entered: 10/25/2022)
10/26/2022	<u>17</u>	ORDER THAT 1. THE PARTIES' JOINT CONSENT ORDER TRANSFERRING THIS MATTER TO THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA (DOC. NO. 16) IS APPROVED AND ADOPTED; 2. THE CLERK OF COURT IS DIRECTED TO TRANSFER FORTHWITH THE ABOVE-CAPTIONED CASE TO THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, PURSUANT TO 28 U.S.C. § 1404(A); 3. THE DEFENDANT'S MOTION TO DISMISS FOR IMPROPER VENUE OR IN THE ALTERNATIVE TRANSFER PURSUANT TO 28 U.S.C. § 1404(A) (DOC. NO. 9) IS DENIED AS MOOT; AND 4. THE CLERK OF COURT SHALL MARK THE CASE AS CLOSED. SIGNED BY HONORABLE EDWARD G. SMITH ON 10/26/22. 10/26/22 ENTERED AND COPIES E-MAILED.(er) (Entered: 10/26/2022)